



MINUTES
Committee of the Whole
Monday, January 9, 2017 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER

City Clerk Swope called the meeting to order at 5:32 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko-arrived at 5:33 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff
Chris Swope, City Clerk
Jim Smiertka, City Attorney
Randy Hannan, Mayor Executive Assistant
Mary Riley, HR Director
Sue Graham, HR
Elizabeth O'Leary, HR
Carolyn Condell
Steve Japinga, Lansing Chamber
Mark Dotson, Assistance City Attorney

Approval of Minutes

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES OF DECEMBER 8, 2016 MEETING. MOTION CARRIED 8-0.
AMENDED BY COUNCIL MEMBER DUNBAR

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM THE DECEMBER 12, 2016 MEETING AS PRESENTED. MOTION CARRIED 8-0.

Public Comment on Agenda Items

No public comment

Clerk Swope asked if Council had a desire to amend the agenda, and there was no desire.

DISCUSSION/ACTION

**RESOLUTION – Elected Officers Compensation Commission (EOCC) – First Meeting
Date of 2017**

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION FOR THE EOCC FIRST MEETING DATE OF 2017 FOR WEDNESDAY, FEBRUARY 1, 2017 AT 11:30 A.M. MOTION CARRIED 8-0.

Election of Council President

MOTION BY COUNCIL MEMBER WASHINGTON TO NOMINATE COUNCIL MEMBER WOOD AS COUNCIL PRESIDENT.

MOTION BY COUNCIL MEMBER SPITZLEY TO NOMINATE COUNCIL MEMBER DUNBAR AS COUNCIL PRESIDENT.

Council Member Hussain asked Council Member Dunbar and Council Member Wood to inform the Committee on why they want to be President and what their focus will be.

Mr. Swope assured the Committee they could debate before a vote, and then the vote will be taken in succession.

Council Member Wood informed the Committee she had met with Council Member Hussain and reached out to other Council Members. Council Member Houghton and Spitzley both acknowledged they had received communication from Council Member Wood but were out of town and not able to speak to her.

Council Member Washington stated that the process for electing the President and Vice President is difficult, and if someone is not in leadership she does not believe they are not a good Council person. She had spoken to Council Member Dunbar on Council Member Dunbar's potential for leadership, and Council Member Washington concluded she was looking forward to keeping the peace and keeping the transparency, therefore this election approach should be done responsibly.

Council Member Dunbar informed the Committee she had spoken to Council Member's Hussain, Washington and Brown Clarke. Her goal as President would be to strengthen the body, and continued training. This would include how government works, budgeting, and MML training. She appreciated the past year, and would be encouraged that the President would work with the Mayor, and believes that is the charge of leadership. She concluded by stating that after being on Council for years she is looking to move in a different direction.

Council Member Washington made note she acknowledges the branches of government and is not anti-mayoral. The Council is the check and balance; the legislative branch. She acknowledged that whether the administration chooses to enforce that is up to them.

Council Member Dunbar reaffirmed she felt she was defending it because she felt she was accused of it. Whoever leads does have to be open to meeting with the Mayor's office, and that some Council Members have insinuated that if she was President the Mayor would run Council. Council Member Washington stated to Council Member Dunbar that there was no intention of disrespecting her, but she had a concern with her attendance at meetings. Council Member Dunbar defended her position stating that being late to a meeting does not affect her vote, on research or critical issues. Her attendance is no indication on her time with constituents.

Council Member Hussain spoke in support of either nominee leading Council.

Council Member Houghton asked Council Member Wood why she wanted to be President. Council Member Wood stated she has stated publicly and to Council Members that she believes that when running for elected office it is not a good year to be in leadership. There are many facets that the President speaks as President and speaks for the body as Council. Council Member Wood concluded by stating she believed she can bring to the office of President some continuity, work towards transparency of Council, and a Council perspective as well as City government.

Council Member Washington acknowledged that Council Member Dunbar is a highly competent Council Member.

VOTE ON MOTION OF COUNCIL MEMBER WOOD FOR PRESIDENT, 4-0 VOTE.
VOTE ON MOTION ON COUNCIL MEMBER DUNBAR FOR PRESIDENT, 4-0 VOTE.
BOTH MOTIONS FAILED.

Mr. Swope asked the Committee consensus on the other agenda items. The consensus was to address the other items before continuing on the vote.

CLOSED SESSION

MOTION BY COUNCIL MEMBER BROWN CLARKE TO GO INTO CLOSED SESSION AT 6:05 P.M. ROLL CALL VOTE 8-0.

RECONVENE

Meeting called to order at 6:46 p.m.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO RATIFY THE UAW 2016-2019 COLLECTIVE BARGAINING AGREEMENT. MOTION CARRIED 8-0.

Election of Council President-continued

Council Member Hussain noted that if there was a belief of the earlier statement of Council Member Wood which was it is difficult to be President and run for re-election, then every two (2) years 4 member would have to step back. He then went on to acknowledge Council Member Brown Clarke for the year just completed and her work in leadership providing training and beginning 2016 as a unified body.

MOTION BY COUNCIL MEMBER HUSSAIN TO NOMINATE COUNCIL MEMBER BROWN CLARKE FOR PRESIDENT.

Council Member Yorko acknowledged to her fellow Council Members for electing her in 2016 as Vice President, and noted that after seeing the demands of President, that role is a significant time commitment.

Council Member Brown Clarke accepted the nomination for President.

MOTION BY COUNCIL MEMBER YORKO TO NOMINATE COUNCILMEMBER SPITZLEY FOR PRESIDENT.

Council Member Spitzley accepted the nomination for President, stating her belief that someone can be President and run for re-election, that she wanted Council to know she works for the people of Lansing, not Council nor the Mayor.

Council Member Yorko added to the debate that she still is asking for a rotation of leadership as she had proposed in 2015.

VOTE ON MOTION OF COUNCIL MEMBER BROWN CLARKE FOR PRESIDENT, 4-0 VOTE.

VOTE ON MOTION ON COUNCIL MEMBER SPITZLEY FOR PRESIDENT, 4-0 VOTE.
BOTH MOTIONS FAILED.

MOTION BY COUNCIL MEMBER YORKO TO RECESS AT 7:06 P.M. TO GO INTO CITY COUNCIL. MOTION CARRIED 8-0.

RECONVENE

Meeting called to order at 9:11 p.m.

MOTION BY COUNCIL MEMBER WASHINGTON TO RECONSIDER ALL VOTES. MOTION CARRIED 8-0.

MOTION BY COUNCIL MEMBER WASHINGTON TO NOMINATE COUNCIL MEMBER BROWN CLARKE.

MOTION BY COUNCIL MEMBER YORKO TO NOMINATE COUNCIL MEMBER DUNBAR.

Council Member Brown Clarke and Council Member Dunbar accepted the nomination for President.

VOTE ON MOTION OF COUNCIL MEMBER BROWN CLARKE FOR PRESIDENT, 4-0 VOTE.

VOTE ON MOTION OF COUNCIL MEMBER DUNBAR FOR PRESIDENT, 4-0 VOTE.
BOTH MOTIONS FAILED.

Council Member Washington asked the rest of the Committee their interest in recessing for another day or continuing. Mr. Smiertka noted that if the Committee chose to recess Committee of the Whole for another date, they would also need to motion to recess Council for another date.

Council Member Spitzley voiced her concern with ongoing discussion not on the floor, and reminded the Committee that this is part of the normal process of the election.

Council Member Brown Clarke pointed out that without leadership things will become even more decisive, and however she may agree with a recess, she would not agree with recessing to another day, it would create a more of a divide. Council Member Washington also asked for action at this meeting, and not a recess to another day.

MOTION BY COUNCIL MEMBER SPITZLEY TO RECESS COMMITTEE OF THE WHOLE UNTIL TUESDAY, JANUARY 17, 2017 AT 5:30 P.M.

The Committee discussed the recess, other dates and the interest in completing the process at this meeting. Lack of support to recess.

COUNCIL MEMBER SPITZLEY WITHDREW THE MOTION TO RECESS TO ANOTHER DATE.

MOTION BY COUNCIL MEMBER HOUGHTON TO NOMINATE COUNCIL MEMBER DUNBAR FOR PRESIDENT AND COUNCIL MEMBER HUSSAIN FOR VICE PRESIDENT.

Council Member Dunbar accepted the nomination and Council Member Hussain declined the nomination. Council Member Houghton withdrew her nomination.

MOTION BY COUNCIL MEMBER SPITZLEY TO NOMINATE COUNCIL MEMBER DUNBAR AS PRESIDENT AND COUNCIL MEMBER WASHINGTON AS VICE PRESIDENT.

Council Member Dunbar accepted the nomination and Council Member Washington declined the nomination. Council Member Spitzley withdrew her nominations.

MOTION BY COUNCIL MEMBER WASHINGTON TO NOMINATE COUNCIL MEMBER BROWN CLARKE AS PRESIDENT AND COUNCIL MEMBER HOUGHTON AS VICE PRESIDENT.

Council Member Brown Clarke accepted the nomination and Council Member Houghton declined the nomination stating she could not vote for Council Member Brown Clarke as President because she believed that Council Member Brown Clarke will be running this year for Mayor which her belief would be a conflict.

COUNCIL MEMBER WASHINGTON AMENDED HER MOTION TO NOMINATE COUNCIL MEMBER BROWN CLARKE AS PRESIDENT AND COUNCIL MEMBER YORKO FOR VICE PRESIDENT.

Council Member Brown Clarke accepted the nomination and Council Member Yorko declined the nomination. Council Member Washington withdrew her nominations.

MOTION BY COUNCIL MEMBER YORKO TO NOMINATE COUNCIL MEMBER DUNBAR AS PRESIDENT AND COUNCIL MEMBER BROWN CLARKE AS VICE PRESIDENT.

Council Member Dunbar accepted the nomination and Council Member Brown Clarke declined the nomination.

COUNCIL MEMBER YORKO AMENDED HER MOTION TO NOMINATE COUNCIL MEMBER DUNBAR AS PRESIDENT AND COUNCIL MEMBER HOUGHTON AS VICE PRESIDENT.

Council Member Dunbar accepted the nomination and Council Member Houghton accepted the nomination.

VOTE TAKEN AND MOTION FAILED WITH A TIE OF 4-4.

MOTION BY COUNCIL MEMBER WASHINGTON TO NOMINATE COUNCIL MEMBER BROWN CLARKE AS PRESIDENT AND COUNCIL MEMBER DUNBAR AS VICE PRESIDENT.

Council Member Brown Clarke accepted the nomination and Council Member Dunbar declined the nomination. Council Member Washington withdrew her nominations.

MOTION BY COUNCIL MEMBER HUSSAIN TO NOMINATE COUNCIL MEMBER WOOD FOR PRESIDENT AND COUNCIL MEMBER DUNBAR FOR VICE PRESIDENT.

Council Member Wood accepted the nomination and Council Member Dunbar declined the nomination. Council Member Hussain withdrew his nominations.

Council Member Yorko left the meeting.
Mr. Swope called a recess of the meeting at 9:34 p.m.

RECONVENE

Meeting called to order at 10:58 p.m.

MOTION BY COUNCIL MEMBER WOOD TO NOMINATE COUNCIL MEMBER BROWN CLARKE AS PRESIDENT AND COUNCIL MEMBER SPITZLEY AS VICE PRESIDENT.

Council Member Brown Clarke accepted the nomination and Council Member Spitzley declined the nomination. Council Member Wood withdrew her nominations.

MOTION BY COUNCIL MEMBER DUNBAR TO NOMINATE COUNCIL MEMBER HOUGHTON AS PRESIDENT AND COUNCIL MEMBER WASHINGTON AS VICE PRESIDENT.

Council Member Houghton accepted the nomination. Council Member Washington and Council Member Houghton stepped away from the meeting then returned. Council Member Washington declined the nomination. Council Member Dunbar withdrew her nominations.

MOTION BY COUNCIL MEMBER SPITZLEY TO RECESS UNTIL JANUARY 30, 2017.

The Committee discussed the option, and the consensus was not to wait until the 30th.

COUNCIL MEMBER SPITZLEY AMENDED HER MOTION TO RECESS UNTIL JANUARY 23, 2017. MOTION TO AMEND PASSED 6-1.

MOTION TO RECESS UNTIL JANUARY 23, 2017. MOTION FAILED 1-6.

Council Member Dunbar asked Law for procedures on items that were referred to Committees on the Council agenda. Mr. Smiertka stated all referrals will all go to Committee of the Whole for the meeting on January 30, 2017.

Council Member Brown Clarke spoke in opposition to waiting two (2) more weeks.

Mr. Swope asked if the Committee and Council should once again recess. Mr. Smiertka reminded the group that if the Committee of the Whole recessed to a certain date, then the Council should also recess to the same date, also noting that the Clerk will be presiding officer when those meetings are called to order.

Council Member Dunbar apologized for an earlier statement she made that she was not aware was derogatory.

Council Member Wood called for recess at 11:15 p.m.

RECONVENE

Meeting called to order at 11:47 p.m.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO RECESS THE COMMITTEE OF THE WHOLE AT 11:53 P.M. UNTIL THURSDAY, JANUARY 12, 2017 AT 5:30 P.M.

MOTION CARRIED 7-0.

Meeting recessed at 11:53 p.m. on January 9, 2017

Committee of the Whole

January 9, 2017 Meeting Reconvened Thursday, January 12, 2017 @ 5:30 p.m.

City Council Chambers

RECONVENED

City Clerk Swope called the meeting back to order at 5:33 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko

OTHERS PRESENT

Sherrie Boak, Council Staff
Chris Swope, City Clerk
Jim Smiertka, City Attorney
Randy Hannan, Mayor Executive Assistant
Steve Japinga, Lansing Chamber of Commerce
Eric Lacy, LSJ
Elaine Womboldt
Carolyn Condell
Deb Parrish

Public Comment

Ms. Parrish spoke in support of Council making a resolution to the election tonight.

Ms. Womboldt spoke in support of Ms. Parrish comments also requesting a resolution to the election at this meeting. Ms. Womboldt concluded by asking Council to vote for Council Member Wood for President and Council Member Brown Clarke as Vice President.

DISCUSSION/ACTION

Election of Council President and Vice President

MOTION BY COUNCIL MEMBER BROWN CLARKE TO NOMINATE COUNCIL MEMBER WOOD FOR PRESIDENT.

Council Member Wood accepted the nomination.

MOTION BY COUNCIL MEMBER YORKO TO NOMINATE COUNCIL MEMBER DUNBAR FOR PRESIDENT.

Council Member Dunbar accepted the nomination.

Council Member Spitzley asked for direction on if the Committee could vote on one nomination at a time before more nominations. Mr. Swope explained that when there are multiple nominations the Committee Members can vote on which one they want. Mr. Smiertka also confirmed the process noting that there has been the practice to take motions in order.

VOTE ON COUNCIL MEMBER WOOD, 4-0.
VOTE ON COUNCIL MEMBER DUNBAR, 4-0.
MOTION FAILED.

MOTION BY COUNCIL MEMBER YORKO TO NOMINATE COUNCIL MEMBER DUNBAR FOR PRESIDENT. MOTION FAILED 4-4.

MOTION BY COUNCIL MEMBER HOUGHTON TO NOMINATE COUNCIL MEMBER SPITZLEY FOR PRESIDENT.

Council Member Spitzley declined the nomination.

MOTION BY COUNCIL MEMBER WASHINGTON TO NOMINATE COUNCIL MEMBER BROWN CLARKE FOR PRESIDENT. MOTION FAILED 4-4.

Council Member Yorko commented that she had heard from constituents that they appreciate the dialogue and discussions of the Council and the need for balance of all communities. She noted that she understands all members are deeply rooted in their goals and nothing is taken personal. She then asked Mr. Smiertka what would occur if the Council continues at an in-pass.

Mr. Smiertka detailed the steps based on the Charter, Council Rules and Mason rules for some areas. Right now the Committee is in its first Organizational Meeting, and since the decision on leadership is locked, nothing can be added, there can be no Committees or Committee functions. This will all have to be done in January. As for Council the agenda is locked and Council will continue. Matters can come to Council via Committee of the Whole. Before it comes to Council, they will have to have a Committee of the Whole to add items with 5 votes. Under Rule 40, with 6 votes to suspend the Rules of Council, they then amend the rule on the Council agenda format to allow taking late items and that too is a vote of 6. Each late item will also require a vote of 6. This agenda is locked until the President and Vice President is elected. Mr. Smiertka also admitted that the Charter does not speak to what happens if they do not elect, however election of President is a mandatory provision.

Council Member Washington also acknowledged her receipt of phone calls from constituents asking what her agenda was for the year. Her agenda is policy driven with the purpose of finalizing the open bidding process to assure all projects are good for the City at large. The agenda also includes looking at brownfields, LEAP, and housing. Because of these goals, she stated she needs to look deeply at who she chooses for leadership in 2017.

Council Member Yorko reiterated what Mr. Smiertka stated earlier that adding new items to a Council agenda would require 5 votes to the Committee of the Whole, then at Council suspend Rule 40 which allows Council to go out of order, then suspend Rule 9 to add late items, both requiring 6 votes. Mr. Smiertka added that Rule 40 allows suspending the rules with 6 votes. Then Rule 15 is the order of business which needs 6 votes, then Rule 9 to allow late items which also requires 6 votes. This procedure will allow items to come forward from Committee of the Whole.

Council Member Brown Clarke asked the Committee to need to address the issues of leadership, not find out a way to address items without leadership and through the divide. She continued by stating that what someone will politically or politically not do has nothing to do with their ability to lead. As relates to her, Council Member Brown Clarke's agenda is to move forward and she did not believe the past has shown anything different then moving forward. Time and attention should now be on how to address the election.

Council Member Spitzley outlined her goals which included what is best for the City, and how we get there and the mechanism is the item for discussion. She assured the Committee she does believe in this process and about compromise and negotiation. Outlined in her goals was her belief for the need to grow the tax base, her interest in development in the City and being part of the Development & Planning Committee with her experience in developments.

Council Member Hussain stated his belief that in 2016 it was unprecedented to have leadership determined before the first organizational meeting, this current process is appears to be precedent. Thankful for the recess, he was allowed to reflect and speak to constituents on the characteristics they want in a President. Those included integrity, transparency, meticulous, grace under pressure, communicative, attendance and engaging. There is an understanding of the rotation of leadership, but 2016 was a good year and so he asked why the Council would want to step away from that same leadership.

MOTION BY COUNCIL MEMBER HUSSAIN TO NOMINATE COUNCIL MEMBER BROWN CLARKE FOR PRESIDENT AND COUNCIL MEMBER YORKO FOR VICE PRESIDENT.

Council Member Brown Clarke accepted the nomination and Council Member Yorko declined the nomination, stating her belief that it is still important to have a rotation of leadership.

COUNCIL MEMBER HUSSAIN AMENDED THE NOMINATION, ACKNOWLEDGING COUNCIL MEMBER YORKO DECLINE, NOW NOMINATING COUNCIL MEMBER BROWN CLARKE FOR PRESIDENT AND COUNCIL MEMBER SPITZLEY FOR VICE PRESIDENT.

Council Member Spitzley declined the nomination. Council Member Hussain withdrew the nominations.

Council Member Spitzley asked other Committee members to speak on their issues.

At 6:09 p.m. Mr. Smiertka asked the Clerk to recess Committee of the Whole since the Council meeting was posted to begin at 6:00 p.m. Council Member Wood asked if the Committee needs to recess, and Council Member Dunbar noted that in the past Council has started late with acknowledgement from the Council President. Mr. Smiertka noted the only issue he had was that Council was posted for 6:00 p.m.; therefore they could recess Committee of the Whole and go into Council to continue discussions. Council Member Spitzley asked if that was legal suggestion or something that had to occur. Mr. Smiertka confirmed it is a suggestion. Council Member Wood confirmed public comment would be taken again in Council.

Council Member Wood referred to earlier comments by Council Member Hussain on 2016 leadership choices being unprecedented, noting there have been other years also where elections have been done in a timely manner. Council Member Wood acknowledged she had spoken to Council Members on why she was seeking the Presidency because some Council Members were running for re-election, and since it appeared no one had an issue with that. However now that potentially Council Member Brown Clarke could run for Mayor there is an issue, which does appear unfair. A reference was made to the Council Rules that were in the

process of being changed in 2015 to include a requirement of 2 years on Council and 1 year as Vice President before President, however the City Attorney at the time was charged with reviewing them based on their comments, and they have never been resubmitted to Council.

Council Member Wood suggested a possible recess for future discussions.

Council Member Washington confirmed she had publicly stepped back from wanting the Vice President role and being on the Committee on Development and Planning with the hopes those discussions had already been done before this meeting. She also pointed out that Council Member Brown Clarke has never stated she will be running for Mayor, it is the media and public that is stating she is.

Council Member Brown Clarke reminded the Committee that the ground rules need to be consistent, and anyone running for office has the potential for leadership and it can be consistent. The question was asked of Council Member Yorko for more comments on the Council Rules changes that General Service was working on when she was Chair of that Committee. Council Member Yorko declined comments.

Council Member Hussain noted that leadership positions are important and he believed that is why maybe was why the 2015 Council was considering a two (2) year leadership. Council Member Yorko stated there were many possibilities discussed in General Service and law received it and she was not aware if the 2016 Committee on General Services had addressed it. Council Member Washington confirmed that the 2015 Committee made suggestions and the 2016 Committee never saw anything.

MOTION BY COUNCIL MEMBER WOOD TO RECESS FOR 10 MINUTES AT 6:25 P.M.
MOTION CARRIED 8-0.

RECONVENE

Meeting called to order at 6:55 p.m.

Mr. Swope explained to the public that the Committee meeting was still in session, and then called for motions or further debates from the Committee. There were no debates or discussions. Council Member Brown Clarke asked for her colleagues to continue the debate or discussion that they held during the recess, and asked for input and opinions on running for office and being in the role of President.

Council Member Yorko arrived at 6:58 p.m.

Council Member Dunbar stated she did not have an issue with it, and it is done in other areas of legislature. Council Member Washington agreed. Council Member Houghton acknowledged she does have an issue with running someone running for Mayor as compared to running for Council because running for Mayor would be in direct conflict with the Administration. Council Member Brown Clarke asked what was facilitating the concern. Council Member Houghton stated she would have a concern with anyone running against the Mayor, and no one has declared they are but there is an assumption of the potential for it.

MOTION BY COUNCIL MEMBER DUNBAR TO NOMINATE COUNCIL MEMBER YORKO FOR PRESIDENT AND COUNCIL MEMBER BROWN CLARKE FOR VICE PRESIDENT.

Council Member Yorko declined the nomination. Council Member Dunbar withdrew the nomination.

MOTION BY COUNCIL MEMBER WOOD TO RECONSIDER THE NOMINATION AND VOTE FOR COUNCIL MEMBER BROWN CLARKE FOR PRESIDENT. VOTE ON THE RECONSIDERATION OF A VOTE FAILED 4-4.

COUNCIL MEMBER SPITZLEY MADE A MOTION TO RECESS AT 7:05 P.M. UNTIL 7:20 P.M. MOTION CARRIED 8-0.

RECONVENE

Meeting called to order at 7:37 p.m.

Mr. Swope asked the Committee for any motions, nominations or further discussions. There were no further discussions, and therefore he asked for suggestions on a future meeting date.

MOTION BY COUNCIL MEMBER SPITZLEY TO RECESS UNTIL TUESDAY, JANUARY 17, 2017 AT 5:30 P.M.

Council Member Wood clarified for the record that Council will also need to be called to order and recessed.

MOTION CARRIED 8-0.

Meeting recessed at 7:41 p.m. on January 12, 2017

Committee of the Whole

**January 9, 2017 Meeting Reconvened Tuesday, January 17, 2017 @ 5:30 p.m.
City Council Chambers**

CALL TO ORDER

City Clerk Swope called the meeting called to order at 5:32 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko

OTHERS PRESENT

Sherrie Boak, Council Staff
Chris Swope, City Clerk
Jim Smiertka, City Attorney
Randy Hannan, Mayor Executive Assistant, arrived at 5:39 p.m.
Eric Lacy, LSJ
Todd Heywood, Lansing City Pulse
Deb Parrish
Loretta Stanaway
Mr. McNichol
Katherine McNichol
Carolyn Condell

Steve Japinga, Lansing Chamber of Commerce

Public Comment

Ms. Parrish spoke on direction the members have stated they want to go, and spoke asking for Committee to determine their leadership and focus on their priority.

Ms. Stanaway spoke in support of a leadership determination at this meeting.

Mr. Nichol spoke as a member of Represent Us inviting members of Council to join them.

Ms. McNichol asking the Committee to determine what is best for the City.

DISCUSSION/ACTION

Election of Council President and Vice President

MOTION BY COUNCIL MEMBER WASHINGTON TO RECESS FOR 20 MINUTES.

Council Member Wood asked Mr. Swope to set a timer, and Mr. Swope confirmed he would however if there were discussions occurring he would not cut off those discussions if it meant there would be resolution.

Council Member Yorko provided details to the public on upcoming events including the 1st BWL Work Session on the substation on January 18, 2017 and the Lansing United event at the Lansing Center on January 17, 2017.

MOTION TO RECESS FOR 20 MINUTES AT 5:40 P.M. MOTION CARRIED 8-0.

(At 6:10 p.m. Mr. Swope informed the public that the Committee of the Whole was still in recess)

RECONVENE

Meeting called to order at 6:51 p.m.

Council Member Spitzley spoke on her goals and explained her beliefs in determining leadership, and ended by stating that with no recent consensus she would propose staying with status quo of 2016, however would support a rotation in leadership.

MOTION BY COUNCIL MEMBER SPITZLEY TO NOMINATE COUNCIL MEMBER YORKO FOR PRESIDENT AND COUNCIL MEMBER BROWN CLARKE FOR VICE PRESIDENT.

Council Member Yorko made comments on the nomination, and also affirmed to the public that at the January 9, 2017 Committee meeting and Council meeting actions items were taken on setting public hearings, ratified a contract and also acknowledged special tributes. According to Council rules and the City Attorney Office, Council can continue to act on items without leadership. Council Member Yorko cited her opinion that choosing leadership appears to be more on the upcoming election focus. She then spoke in support of Council Member Spitzley as President. Council Member Yorko admitted that in previous meetings she had spoken on her concern with taking a leadership role, but to help relieve the gridlock she accepted leadership. She concluded by stating that it is still her preference to see someone not running for re-election of office this year as President, but if the Committee now sees fit, and votes her in as President, she will do her best to all Committee structure to see items move forward, and therefore accepted the nomination.

Council Member Brown Clarke stated that she had made recent attempts to have discussions with Council Member Yorko, but the attempts were not accepted. Since those discussion did not occur, she could not understand what would have changed in Council Member Yorko's opinion to now accept a nomination for President. Council Member Brown Clarke declined the nomination for Vice President.

Council Member Yorko defended the failed recent attempts for discussion with Council Member Brown Clarke stating that Council Member Hussain approached her and started discussions with her before she could meet with Council Member Brown Clarke. Council Member Brown Clarke asked for professional courtesy.

MOTION BY COUNCIL MEMBER SPITZLEY TO AMEND HER PREVIOUS MOTION TO NOMINATE COUNCIL MEMBER YORKO FOR PRESIDENT.

Council Member Washington informed the Committee she could not support the nomination based on past differences in issues with Council Member Yorko and her belief she did not show leadership qualities.

Council Member Hussain informed the Committee he would not be supporting the nomination because Council Member Yorko had already stated to him that she was not at a capacity to continue with a leadership position, in addition she had stated at public meetings she had no interest. He noted that commitments will still be there throughout the year, the job, career and family do not change after the election for leadership.

Council Member Dunbar stated she would not speak on other members' time commitments, and there is a diversity of perspective with Council having this role and outside jobs. She gave an example of when she ran for office and felt she was criticized for being a woman seeking the role of Council Member.

Council Member Hussain clarified to Council Member Dunbar his earlier comments were based on comments Council Member Yorko had stated herself about her commitment to leadership, and in no way were his comments that a "woman" was not able to. He then reiterated that Council Member Yorko had publicly stated multiple times she did not want the nomination and did not have the time commitment.

Council Member Yorko defended her earlier statement and decision to accept the nomination, stating she had spoken to her family and they strongly support her.

Council Member Spitzley recognized all members for their capability in their role as Council Members and the sacrifices they have taken. Stating her goal to be committed to represent all residents in the City of Lansing, she ended by pointing out it appeared the Committee had lost their focus.

Council Member Yorko stated to the public that regardless of the vote, the items referred from the 1/9/2017 agenda will be addressed and Council will do business this year and get the residents work done.

Council Member Wood asked to clarify to the Committee and the public that she too has a full time job at her consulting firm and has worked with MSU, LCC, and Ingham Regional to name a few. She noted because it is her own company she is fortunate to accommodate City Hall office hours.

MOTION ON COUNCIL MEMBER YORKO FOR PRESIDENT FAILED WITH A 4-4 VOTE.

Mr. Swope proposed the potential for a mediator which would be subject to the open meetings act and public discussion. Mr. Swope also pointed out that the Committee is still in the first meeting of Committee and Council of the year because they keep recessing. Therefore they need to consider that they will need to have 26 meetings in the calendar year per Charter.

Council Member Washington acknowledged there had been “healing” behind the scenes with Council Members, including herself and Council Member Spitzley. She noted to the public that the decision of President and Vice President is a serious choice, and that person could potentially be Mayor, so leadership choices set the tone of Council, what is on agenda, and what sets the Committees. Lastly she acknowledge Council Member Yorkos’ work, and does understand the potential of mediator.

Council Member Brown Clarke also spoke in support of a moderator, and clearly noted that Council needs consistency on how they are framing things. Council cannot hold someone accountable that they don’t hold accountable as themselves. The moderator would be a needed neutral person to walk thru things with Council.

Council Member Dunbar assured the public that the Council is holding discussions on Committee assignments, she has seen proposed assignments and that the leadership discussions have been robust. Council Members Brown Clarke, Wood, Washington and Hussain denied seeing any Committee assignments.

Council Member Spitzley spoke in support of a facilitator, and asked what the steps would be to make that occur. Mr. Smiertka outlined it would be an open meeting, however he asked for a closed session at the next meeting so he can present a memorandum outlining the steps. The consensus of the Committee was to hold a closed session at the next meeting.

Council Member Washington informed the Committee she would be unavailable from February 4, 2017 through February 18, 2017, so to inform her if she needs to make special arrangements to come in.

MOTION BY COUNCIL MEMBER YORKO TO RECESS AT 7:25 P.M. AND RECONVENE ON MONDAY, JANUARY 23, 2017 @ 5:30 P.M. MOTION CARRIED 8-0.

Meeting recessed at 7:25 p.m. on January 17, 2017

Committee of the Whole

**January 9, 2017 Meeting Reconvened Monday, January 23, 2017 @ 5:30 p.m.
City Council Chambers**

CALL TO ORDER

City Clerk Swope called the meeting called to order at 5:30 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood

Councilmember Jessica Yorko

OTHERS PRESENT

Sherrie Boak, Council Staff

Chris Swope, City Clerk

Jim Smiertka, City Attorney

Chad Gamble, Chief Operating Officer, arrived at 5:31 p.m.

Eric Lacy, LSJ

Kathy Miles

Deb Parrish

Loretta Stanaway

Carolyn Condell

Michael Mercer

Public Comment

Ms. Miles spoke about a recent news article from the Mayor on City business, and asked Council to take consideration during the leadership choice.

Ms. Parrish spoke about Council roles, goals and choosing leadership.

Ms. Stanaway spoke about future elections and political issues.

Mr. Mercer spoke in support of determining leadership and holding them accountable.

MOTION BY COUNCIL MEMBER WOOD TO AMEND THE AGENDA TO MOVE A) RESOLUTION – 2017 CITY COUNCIL PRESIDENT AND VICE PRESIDENT TO THE FIRST ITEM. MOTION CARRIED 8-0.

DISCUSSION/ACTION

Election of Council President and Vice President

MOTION BY COUNCIL MEMBER WOOD TO NOMINATE COUNCIL MEMBER SPITZLEY FOR THE 2017 PRESIDENT.

Council Member Spitzley accepted the nomination. No other nominations were given.

Council Member Washington spoke in opposition to the alleged negotiations that are being stated about all Council Members being in violation of the Open Meetings Act.

Council Member Yorko referenced a press release she issued on January 17, 2017, stating it was not originated by someone else other than herself, and that it had restated her comments from earlier that same night on the Dias.

Council Member Hussain restated the importance of the process of determining President and Vice President, outlined items important to him in his decisions including being present for meetings, contact with office staff, contact with the media, engaging with the public not just in meetings, but also at the neighborhoods. Lastly he asked the Council President to reach out to all members of Council.

Council Member Spitzley acknowledged Council Member Hussain's comments agreeing with them and adding that a quality of "spreading the wealth" of President roles will make the Council balanced and accomplish priorities. She concluded by stated she believed in moving forward and mentoring.

Council Member Hussain reiterated an earlier meeting statement where he again recognized his belief that a Council member needs more than one year on Council before taking a leadership role.

Council Member Brown Clarke restated this is not an easy process and that it is time the Council moves forward. There were multiple people who wanted leadership, and everyone stated their passions for that role. She concluded by reminding the public and Committee that the Council is not behind in their assignments because if the leadership had been made on January 9th, 2017, the Committee assignments would not have been read into the record and Committee could not have started working until after January 30, 2017 anyways, so Council is still on the same track it started January 1, 2017.

MOTION CARRIED 8-0.

Council Member Spitzley acknowledged Council Member Hussain, Washington and Brown Clarke for their comments.

MOTION BY COUNCIL MEMBER SPTIZLEY TO NOMINATE COUNCIL MEMBER WOOD AS THE 2017 VICE PRESIDENT.

Council Member Wood accepted the nomination. No other nominations.

MOTION CARRIED 8-0.

{CLOSED SESSION}

A closed session of the Committee of the Whole pursuant to Section 8(h) of the Open Meetings Act to meet with the City Attorney to discuss information or records exempt from disclosure under section 13(1)(g) of the Freedom of Information Act, to wit: a memorandum of legal advice to the City Council which is subject to the attorney-client privilege.

COUNCIL MEMBER WOOD MADE A MOTION THAT THE INFORMATION THAT WAS PROVIDED BY THE CITY ATTORNEY FOR CLOSED SESSION BE RELEASED TO THE PUBLIC AND COMMITTEE NOT GO INTO CLOSED SESSION.

Mr. Smiertka asked if the Committee wanted him to discuss the procedure or the content of the memo. The legal opinion is to discuss it in Closed Session but it is at the Council discretion to discuss at public.

MOTION CARRIED 8-0.

Mr. Smiertka reviewed and read from his Memorandum dated January 21, 2017 which Council received January 22, 2017 (attached). The back drop is that the Charter requires all items be done in January each year, Charter 3-102.6. Section II in the memorandum speaks to what Council should be aware of in regards to penalties Charter 1-501 if it mandates organization. Section III speaks to facilitation and expanded committees if deadlock. Lastly the memorandum spoke to Open Meeting Act and cautions. He acknowledged that Council is aware of the Open Meetings Act and they had no plans to circumvent. The Office of the City Attorney is present at the Committee and Council meetings and witnessed the recess sessions, and never witnessed anything. Nevertheless, in the memorandum there were items documented they should not do. In conclusion Mr. Smiertka referred to the last paragraph of the memorandum which stated each Council Member should acknowledge that the vote is the result of the independent judgment of that Council Member based upon deliberations that have occurred during open meetings and that any assumptions or commitments forming the basis of that vote be disclosed.

Council Member Brown Clarke asked Mr. Smiertka that based on his memorandum, if they have followed the direction. Mr. Smiertka stated yes, but it can take another form and it has been controversial for 3 weeks and there are allegations.

Council Member Washington asked Council Member Spitzley to offer training on the Open Meetings Act for their annual training.

Facilitator/Mediator

Mr. Smiertka acknowledged that individuals had contacted his office to assist voluntarily, and since doing so he wanted to acknowledge their efforts. Those being David Hollister, Bill Long and Greta Trice.

Council Member Dunbar agreed there was not a need for mediation for the sake of choosing a leader, however asked Council Member Spitzley to be open to team building activities to find the best communication tool for Council to work with and work on goal setting.

Adjourn

Adjourned at 6:12 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council

Approved by Committee on January 30, 2017